

Issue	<p>In September 2016, EPA proposed to add the Anaconda Copper Mine Site on its National Priorities List (NPL) of Superfund Sites to make it eligible for federal cleanup funds. While Nevada Governor Sandoval conditionally concurred with the proposal, he expressed interest in alternative sources of funding that would obviate the need for listing. Since then, Atlantic Richfield Company (ARC) offered a proposal to fund implementation of some areas of the site in exchange for nominal or no cleanup of other areas (including the groundwater) and keeping it off the NPL. On July 31, 2017, Nevada requested that EPA defer listing the site on the NPL.</p>
Background	<p>This mine site, located near Yerington, about 1.5 hours southeast of Reno, was contaminated by past operations of Anaconda (ARC is its corporate successor) and, separately, Arimetco (now bankrupt). Since 1999, EPA has spent \$16 million in unreimbursed costs for site investigations and cleanup activities. While ARC is liable for remedial actions related to former Anaconda operations, it has denied liability for any contamination related to the Arimetco operations. The most immediate hazard is from Arimetco tailings heaps that continue to leach acidic fluids high in uranium and other metals into collection ponds, which will reach capacity and overflow by 2020. If the ponds overflow, they will contaminate groundwater currently used for drinking water, agriculture and tribal uses.</p> <ul style="list-style-type: none"> • The total cost to remediate the heaps and ponds is estimated at \$36 million. If the site was added to the NPL, Nevada would need to pay 10% of the construction costs and 100% of the operation and maintenance (about \$380,000/year) for the private portion of the site. The Bureau of Land Management (BLM) would need to fund about 25% of the Arimetco costs because that portion of the cleanup is on federal land. • ARC is liable for the groundwater contamination extending off-property. A June 13, 2017 agreement between ARC and NDEP outlined the "Framework" for the deferral scenario, including provisions that delay decisions for funding off-property groundwater cleanup. • NPL listing is the only way to access federal funding for timely remedial actions at the site. • In November 2016, ARC and the Nevada Division of Environmental Protection (NDEP) sent EPA and BLM a proposal to defer NPL listing, under which ARC would pay 92% and NDEP 8% for the remedial action for the Arimetco operations and complete a sitewide remedy. The proposal contained provisions inconsistent with CERCLA and EPA's 1995 Deferral Guidance. • EPA is considering Nevada's request to defer NPL listing. • Since the site has potential to impact tribal resources, an MOU is being negotiated with tribal governments and Nevada for continued tribal involvement and for decisions on tribal lands.
Stakeholders	<ul style="list-style-type: none"> • BLM manages the federal land portion of the site and has a role in remedy selection as well as financial responsibility for the non-PRP funded cleanup on federal lands. • The Yerington Paiute Tribe supports NPL listing and uses groundwater for drinking water and agriculture. The plume of groundwater contamination has almost reached tribal lands. • The Walker River Paiute Tribe supports NPL listing. The Tribe is located downstream of the site on the Walker River, which may have been impacted by former releases from the site. • Yerington Community Action Group (YCAG) is a community group that supports NPL listing. Mason Valley Environmental Committee (MVEC) is a community group that opposes NPL listing. • Peri and Sons Farms is the major employer in the area. Mr. Peri withdrew his opposition to listing after the previous Regional Administrator assured him NPL listing would allow EPA to address the contamination and protect his groundwater.

Next Steps

- NPL designation on hold while we consider Nevada's request for NPL deferral. EPA is negotiating an MOU with the tribes and Nevada. EPA is negotiating with ARC for a settlement of our unreimbursed past costs. A final Record of Decision for the Arimetco portion of the site was signed on July 24, 2017.